IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 17809 of 2001

Between:

V.Sitha Ramulu, S/o. V.Veeraiah,
R/o. D.No.5-25-8, Jayaprakash Nagar,
Tenali.

..... PETITIONER

AND

1 The A.P.S.R.T.C., Rep. by its Depot Manager,
Guntur- 2 Depot, Guntur District.
2 The A.P.S.R.T.C., Rep. by its Deputy Chief Mechanical Engineer, Guntur Region, O/o. The Regional Manager,
Guntur.
3 The A.P.S.R.T.C., Rep. by its Regional Manager,
Guntur.
4 The A.P.S.R.T.C., Rep. by its Vice-Chairman and Managing Director, Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent NO.2 in imposing the punishment of Stopping 6 months increments with future effect vide his order No.M1/197(6)/99-RM GNTdt. 3.4.1999 and also the order of the 3rd respondent in confirming the order of the 2nd respondent Vide Pr.No.Steno/19(106).00RM(G) dt. 27.5.2000 as arbitrary, illegal and against to the principles of natural justice and to consequently set aside the orders dt. 3.4.1999 and 27.5.2000 of the respondents 2 and 3 and to grant such other relief or reliefs as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.BUJJIBABU DAVULURI

Counsel for the Respondents: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court made the following :

ORDER:

Declaring the action of the respondent No.2 in imposing the punishment of stoppage of one increment for a period of six months with future effect vide his order No.M1/197 (6)99-RM GNT, dated 3.4.99 and also the order of the 3rd respondent in confirming the order of the 2nd respondent vide Proceedings No. Steno/19(106)/OORM (G), dated 27.05.2000 as arbitrary and illegal, the present writ petition is filed.

The brief facts of the case that are necessary for the disposal of the writ petition are as follows:

Petitioner was initially appointed as Junior Assistant in APSRTC on 03.06.1980 and was posted at Guntur in the office of Managing Director, and in 1994 he was promoted as Deputy Superintendent (Material). He was charge sheeted by the 1st respondent on the allegation that he failed to maintain the Float Register right from 16.10.1995 till the date of charge sheet. As the explanation submitted by the petitioner is not convincing, the 2nd respondent, without considering his explanation, imposed punishment of stoppage of one increment for a period of six months with future effect. Though there was a Circular to the effect that the Float Register should be maintained, that was not being maintained by any one in any depot. On appeal against the order of the 2nd respondent, the 3rd respondent rejected the same through his order dated 27.05.2000 stating that right from 16.10. 1995 till date he failed to maintain Float Register.

Learned Standing Counsel for the respondent filed their Counter contending that the petitioner was not maintaining the Float Register as required under Circular No.16/88-MED, dated 9.7.1988. As such a charge sheet dated 18.02.1999 was issued to the petitioner enumerating the two charges. The disciplinary authority after careful consideration of the facts and circumstances of the case passed final order imposing punishment of stoppage of an annual increment for a period of six months,

with cumulative effect.

There cannot be any dispute that without conducting any enquiry no major penalty can be imposed. Admittedly, in this case, no regular departmental enquiry is conducted against the writ petitioner. After calling for his explanation, the impugned proceedings have been passed. The disciplinary authority imposed the punishment of deferment of annual increment for a period of six months, which will have the effect on future also. A similar view has been taken by this Court in Writ Petition 8523 of 2005, dated 19.04.2005 in A.V.S.N.Murthy Vs. The APSRC Visakhapatnam Region. Following the above judgment, the punishment is set aside. Since the incident has taken place about five years back, it is not desirable to remit the matter to the disciplinary authority, for conducting fresh enquiry. Even the learned Counsel for the petitioner contended that instead of remanding the matter, a minor penalty can be imposed to the petitioner.

Considering all these circumstances, the punishment of stoppage of annual increment with future effect imposed on the petitioner is modified to that of without any cumulative effect. By virtue of this order, the petitioner is not entitled for any monetary benefits, but he is entitled to notional calculation from the date of this order.

Writ petition is disposed of. No order as to costs.

13.07.2005

MRKR

To

1 The Depot Manager, A.P.S.R.T.C.,
Guntur- 2 Depot, Guntur District.
2 The Deputy Chief Mechanical Engineer, A.P.S.R.T.C.,
Guntur Region, O/o. The Regional Manager,

Guntur.

3 The Regional Manager, A.P.S.R.T.C.,
Guntur.

4 The Vice-Chairman and Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

5 Two C.D.copies.